IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 16621 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHEELA PHILIP (SHEELA VIJAY) - Petitioner(s)
Versus
THE STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MS E.SHAILAJA for Petitioner(s) : 1,
MR HEMANG PARIKH, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 02/07/2007

ORAL JUDGMENT

Rule. Mr. Hemang Parikh, Ld. AGP waives service of rule on behalf of the respondents. At the request of the learned advocates for the

parties, the petition is taken up for final hearing today.

2. The petitioner has challenged the communication/order dated 15/11/2006 issued by respondent no. 2 rejecting the application of the petitioner for change of her name from Ms. Sheela Philip to Sheela Vijay. It is her say that her maiden name was Ms. Sheela Philip. She got married to Mr. Vijaykumar Stephen on 21/1/2001. She, therefore, made application to respondent no. 2 for change of her name and to publish it in the Government Gazette. That request was, however, rejected for want of surname. That was in August 2001. The petitioner preferred second application on 13/3/2006 along with an affidavit seeking change in her name from Sheela Philip to Sheela Vijay. She did not receive any reply. She was, therefore, constrained to file application under the provisions of Right to Information Act, 2005 on 23/8/2006 with a view to solicit the necessary information and also to know the criteria for issuing the notification of change in name in the Government Gazette. In response to the same, the petitioner received reply on 31/8/2006 wherein resolution of the Finance Department dated 5/6/1972 was referred to. It also appears that while keeping in view the said resolution, respondent no. 2 rejected her application by order dated 15/11/2006 for publication of her name in the Government Gazette on the ground that her request to publish her new short name in place of old short name cannot be granted. The petitioner served a legal notice on respondent no. 2 on 7/2/2007. However, the same has not been replied to. In view of the same, the present petition is filed.

3. I have heard Ms. E Shailaja, learned advocate for the petitioner and Mr. Hemang Parikh, Ld. AGP for the respondents. According to Ms. Sailaja, the ground on which the request has been turned down is totally irrelevant and the respondent no. 2 is not justified in rejecting the application for change of name. According to her, since the petitioner got married to Vijaykumar Stephen, her maiden name Sheela Philip is required to be changed to Sheela Vijay and the shortness of the name cannot be a ground for rejecting the application. Mr. Parikh is not in a position to oppose this contention.

4. I have perused the record of this petition. I have also carefully considered the submissions of the learned advocates. Resolution of the Government of Gujarat dated 5/6/1972 has been referred to by respondent no. 2 while rejecting the request of the petitioner. The said resolution prescribes the procedure for correction or change of the name. Item no. 2 deals with the case of a married woman for change of name, surname or the full name and when the said procedure is complied with, the change can be effected in all the official documents. In the instant case, it appears that the petitioner has received information that for change in name, surname, etc., respondent no. 2 follows the procedure as prescribed in the rules pertaining to Government Printing and Stationery. In view of the same, the petitioner made application in accordance with the requirement. However, as stated above, it has been turned down on the ground of name being short. It may be noted here that the

petitioner's earlier application was rejected on the ground that it did not have the surname. The present application has been rejected on the ground that the name is very short. The resolution of the year 1972 referred to above, nowhere states that the request for change of name cannot be granted if the name is short or without any surname. It on the contrary states that certain procedure has to be followed for changing the name in the official documents and item no. 2 therein deals with the cases of a married woman for change of either her name or surname or the full name. In view of the same, it is very clear that when the petitioner seeks to change her name to *Sheela Vijay* on account of her marriage, respondent no. 2 should not have any objection to it and when it is found to be in order, respondent no. 2 has to accept the request and publish the change of name in the Government Gazette. Hence, order dated 15/11/2006 is quashed and set aside. Respondent no. 2 is directed to publish the change of name of petitioner in the Government Gazette so as to enable her to carry out necessary changes in other official documents. Petition is allowed. Rule made absolute with no order as to costs.

[Akshay H Mehta, J.]

* Pansala.